IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.1728 of 2007

Dated: April 13, 2007

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Between:

Rabindranath Tagore Educational Society,
Plot No.218, Flat No.301, Willmott Apartment,
West Maredpally, Secunderabad, rep. by its
President Mr. Khadar Khan, and others.

… Petitioners

And

National Council for Teachers Education,
Rep. by its Regional Director, Southern
Regional Committee, NCTE, 1st Floor,
CSD Building, HMT Post, Bangalore, and
Others.

… Respondents

Order:

This Writ Petition has been filed seeking Mandamus to declare the action of the first respondent in not granting recognition to the second petitioner for additional intake of seats as illegal and arbitrary and a consequential direction to the respondents to sanction additional intake of seats for the academic session 2006-07.

2. Heard learned counsel for the petitioner and learned Standing Counsel appearing on behalf of the respondents.

3. Though no counter affidavit has been filed, learned Standing Counsel appearing for National Council for Teacher Education has placed before this court a copy of the notice dated 12-03-2007, issued by the Regional Director, in proceedings No.F.SRO/NCTE/2006-07/1150, wherein it is stated that consequent to the application submitted by the petitioners for additional intake, an inspection team was constituted by the Southern Regional Committee and the said team visited the second petitioner-institution on 19-12-2006. It is also stated that as per the report of the inspection team, the matter was considered by the Committee and the Committee is of the opinion that the institution did not fulfill the requirements, norms and standards laid down by the NCTE in accordance with the provisions of the National Council for Teacher Education Act, 1993 ('the Act' for brevity) to accede to the request of petitioners for additional intake. It is further stated that as per Section 14 (3) (b) of the Act, an opportunity is given to the petitioners to submit a representation.

4. As much as the inspection team constituted by the Southern Regional Committee has visited the institution and submitted its report, based on which, notice referred above has been issued to the petitioners, it cannot be said that respondents have not considered the request of the petitioners.

5. In these circumstances, I dispose of the Writ Petition keeping it open to the petitioners to submit a representation in response to the notice dated 12-03-2007 and comply with the deficiencies pointed out therein. On petitioners submitting a representation, complying with the

deficiencies pointed out in the notice referred above, respondents shall consider the same in accordance with the provisions of the Act and pass appropriate orders. No costs.

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JUSTICE R. SUBHASH REDDY.

April 13, 2007
MRR